

Hon. John C. Coughenour
Note for Consideration: 10/18/13

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WENDY JENDRYSIK,

Plaintiff,

v.

RECEIVABLES PERFORMANCE
MANAGEMENT, LLC

Defendant.

Case No. 2:13-cv-00559

**DECLARATION OF COUNSEL IN
OPPOSITION TO PLAINTIFF'S
MOTION FOR PROTECTIVE
ORDER**

Andrew D. Shafer, under penalty of perjury pursuant to 28 U.S.C. §1746, declares as follows:

1. I am attorney for Defendant Receivables Performance Management, LLC ("RPM"). I base this declaration on my personal knowledge.

2. On September 10, 2013, I sent an e-mail to Marshall Meyers and Jon Robbins, plaintiff's lead counsel, in an attempt to schedule Ms. Jendrysik's deposition in Seattle. I invited counsel to provide me with available dates if the one I had tentatively scheduled did not work. I gave Plaintiff one week to respond. She did not. My e-mail is attached as

Exhibit A.

SHAFER DECLARATION IN OPPOSITION TO
PLAINTIFF'S MOTION FOR PROTECTIVE ORDER- 1
[Case No. 2:13-cv-00559]

SIMBURG, KETTER,
SHEPPARD & PURDY, LLP
999 THIRD AVENUE, SUITE 2525
SEATTLE, WASHINGTON 98104
(206) 382-2600
FAX (206) 223-3929

1 3. Three days later, I advised that RPM would seek to conduct an IME at the
2 same time as Ms. Jendrysik was deposed. That e-mail is attached as **Exhibit B**.

3 4. On September 24, at 12:29, in an attempt to resolve this matter, I sent
4 plaintiff's counsel an e-mail, attached as **Exhibit C**, which contained a settlement offer (the
5 terms of which have been redacted) and again sought clarification on the scheduling of Ms.
6 Jendrysik's deposition and IME.¹ Plaintiff finally responded with a counter offer, but again
7 failed to provide any information from which the parties could arrange a mutually
8 convenient time to depose and examine the plaintiff. The four page e-mail chain that is
9 attached as **Exhibit D** contains Mr. Meyer's acknowledgement that Plaintiff did not object
10 to RPM taking her deposition in Seattle. Still, even on September 24, Plaintiff did not offer
11 any alternative dates to depose her.

12 5. Finally, on October 2, I received an e-mail from Samantha Day, a paralegal
13 with Weisberg & Meyers. She advised that plaintiff was not available until the week of
14 November 4. Again, Plaintiff did not object to travel to Seattle to be deposed. **Exhibit E** is
15 a three page e-mail chain which includes my explanation of why that late date was not
16 acceptable, which I sent within thirty minutes of receiving Ms. Day's e-mail. Finally, four
17 minutes after I sent my email to Ms. Day, Mr. Meyers responded and again reassured that
18 Seattle deposition and IME sites were not a problem.

19 6. Simply, this is now a contrived issue, raised at the last minute to avoid
20 testifying in this case.
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25 ¹ Exhibit C erroneously asked for a response to the settlement by October 25. I meant to set a September 25
deadline because I was planning to note the deposition for October 15 to stay within the case schedule.

Executed at Seattle, Washington this 15th day of October 2013.

Andrew D. Shafer
ANDREW D. SHAFER